

IN RE: **BAIN D. ROBINSON**, aka
Bain Donald Robinson, aka
Bain Robinson, dba
Built 4 The Streets

CASE NO. 5:18-bk-02593

2 Number of Motions to Avoid Liens
2 Number of Motions to Value Collateral

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
07/2018	06/2019	\$ 780	N/A	\$ 780	\$ 9,360
07/2019	06/2020	\$ 980	N/A	\$ 980	\$11,760
07/2020	06/2021	\$1,180	N/A	\$1,180	\$14,160
07/2021	06/2022	\$1,380	N/A	\$1,380	\$16,560
07/2022	06/2023	\$1,580	N/A	\$1,580	\$18,960
				Total Payments:	\$70,800

2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding. Debtor must pay all post-petition mortgage payments that come due before the initiation of conduit mortgage payments.

3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the plan.

4. CHECK ONE: (X) Debtor is at or under median income. *If this line is checked, the rest of § 1.A.4 need not be completed or reproduced.*

B. Additional Plan Funding From Liquidation of Assets/Other

1. The Debtor estimates that the liquidation value of this estate is \$ 0. (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

Check one of the following two lines.

 No assets will be liquidated. *If this line is checked, the rest of § 1.B need not be completed or reproduced.*

 X Certain assets will be liquidated as follows:

2. In addition to the above specified plan payments, Debtor shall dedicate to the plan proceeds in the estimated amount of \$ 0 from the sale of property known and designated as non-exempt portion of proceeds of potential trademark infringement claim. All sales shall be completed by June 30, 2021. If the property does not sell by the date specified, then the disposition of the property shall be as follows: entirely non-exempt or no cash value.

3. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows: _____

2. SECURED CLAIMS.

A. Pre-Confirmation Distributions. Check one.

X None. If "None" is checked, the rest of § 2.A need not be completed or reproduced.

B. Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor. Check one.

___ None. If "None" is checked, the rest of § 2.B need not be completed or reproduced.

X Payments will be made by the Debtor directly to the creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the plan if not avoided or paid in full under the plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number
Seterus, Inc.	1 st mortgage secured by Debtor's residence at 892 Saw Creek Estates, Bushkill, PA 18324	6146

C. Arrears, including, but not limited to, claims secured by Debtor's principal residence. Check one.

___ None. If "None" is checked, the rest of § 2.C need not be completed or reproduced.

X The Trustee shall distribute to each creditor set forth below the amount of arrearages in the allowed proof of claim. If post-petition arrears are not itemized in an allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the creditor as to that collateral shall cease, and the claim will no longer be provided for under § 1322(b)(5) of the Bankruptcy Code:

Name of Creditor	Description of Collateral	Estimated Pre-petition Arrears to be Cured	Estimated Post-petition Arrears to be Cured	Estimated Total to be paid in plan
Seterus, Inc.	1 st Mortgage secured by Debtor's residence	\$37,834.70	\$0.00	\$37,834.70

D. Other secured claims (conduit payments, claims for which a § 506 valuation is not applicable, etc.)

X None. If "None" is checked, the rest of § 2.D need not be completed or reproduced.

E. Secured claims for which a § 506 valuation is applicable. Check one.

___ None. If "None" is checked, the rest of § 2.E need not be completed or reproduced.

X Claims listed in the subsection are debts secured by property not described in § 2.D of this plan. These claims will be paid in the plan according to modified terms, and liens retained until entry of discharge. The excess of the creditor's claim will be treated as an unsecured claim. Any claim listed as "\$0.00" or "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. The liens will be avoided or limited through the plan or Debtor will file an adversary action (select method in last column). To the extent not already determined, the amount, extent or validity of the allowed secured claim for each claim listed below will be determined by the court at the confirmation hearing. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Modified Principal Balance	Interest Rate	Total Payment	Plan or Adversary Action
Home Loan Investment Bank	2 nd Mortgage wholly unsecured by Debtor's residence	NO VALUE	0%	\$ 0	Plan
PA Housing Finance Agency	3 rd Mortgage wholly unsecured by Debtor's residence	NO VALUE	0%	\$ 0	Plan
Saw Creek Estates	Property owners association dues secured by Debtor's residence	\$13,811.72	15%	\$19,714.80	Plan

F. Surrender of Collateral. Check one.

X None. If "None" is checked, the rest of § 2.F need not be completed or reproduced.

G. Lien Avoidance. *Do not use for mortgages or for statutory liens, such as tax liens. Check one.*

X None. *If "None" is checked, the rest of § 2.G need not be completed or reproduced.*

— The Debtor moves to avoid the following judicial and/or nonpossessory, non-purchase money liens of the following creditors pursuant to § 522(f) (this § should not be used for statutory or consensual liens such as mortgages).

The name of the holder of the lien.		
A description of the lien. For a judicial lien, include court and docket number.		
A description of the lien property.		
The value of the lien property.		
The sum of senior liens.		
The value of any exemption claimed.		
The amount of the lien.		
The amount of lien avoided.		

3. PRIORITY CLAIMS.

A. Administrative Claims

1. Trustee's Fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee.

2. Attorney's fees. Complete only one of the following options:

a. In addition to the retainer of \$ 1,500 already paid by the Debtor, the amount of \$ 2,500 in the plan. This represents the unpaid balance of the presumptively reasonable fee specified in L.B.R. 2016-2(c); or

b. \$ _____ per hour, with the hourly rate to be adjusted in accordance with the terms of the written fee agreement between the Debtor and the attorney. Payment of such lodestar compensation shall require a separate fee application with the compensation approved by the Court pursuant to L.B.R. 2016-2(b).

3. Other. Other administrative claims not included in §§ 3.A.1 or 3.A.2 above.
Check one of the following two lines.

X None. *If "None" is checked, the rest of § 3.A.3 need not be completed or reproduced.*

B. Priority Claims (including, but not limited to, Domestic Support Obligations other than those treated in § 3.C below). Check one of the following two lines.

☐ None. If "None" is checked, the rest of § 3.B need not be completed or reproduced.

☒ Allowed unsecured claims, including domestic support obligations, entitled to priority under § 1322(a) will be paid in full unless modified under § 10.

Name of Creditor	Estimated Total Payment
PA Dep't of Revenue	\$ 388.17
US Internal Revenue Service	\$ 3,306.28

C. Domestic Support Obligations assigned to or owed to a governmental unit under 11 U.S.C. §507(a)(1)(B). Check one of the following two lines.

☒ None. If "None" is checked, the rest of § 3.C need not be completed or reproduced.

4. UNSECURED CLAIMS

A. Claims of Unsecured Nonpriority Creditors Specially Classified. Check one of the following two lines.

☒ None. If "None" is checked, the rest of § 4.A need not be completed or reproduced.

B. Remaining allowed unsecured claims will receive a pro-rata distribution of funds remaining after payment of other classes.

5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES. Check one of the following two lines.

☒ None. If "None" is checked, the rest of § 5 need not be completed or reproduced.

6. VESTING OF PROPERTY OF THE ESTATE.

Property of the estate will vest in the Debtor upon

Check the applicable line:

☐ plan confirmation.

☐ entry of discharge.

☒ closing of case:

7. DISCHARGE: (Check one)

- (X) The debtor will seek a discharge pursuant to § 1328(a).
 () The debtor is not eligible for a discharge because the debtor has previously received a discharge described in § 1328(f).

8. ORDER OF DISTRIBUTION:

If a pre-petition creditor files a secured, priority or specially classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor.

Payments from the plan will be made by the Trustee in the following order:

Level 1	Adequate protection payments	\$ -0-	
Level 2	Debtor's attorney's fees.	\$ 2,500.00	
Level 3	Domestic Support Obligations	\$ -0-	
Level 4	Priority claims, pro rata	\$ 3,694.45	
Level 5	Secured claims, pro rata	\$57,549.50	
Level 6	Specially classified unsecured claims	\$ -0-	
Level 7	General unsecured claims	\$ 1,392.05	
Level 8	Untimely filed unsecured claims to which the debtor(s) has/have not objected.	\$ -0-	
	Subtotal	\$65,136.00	
	Trustee Commission (Estimated at 8%)	\$ 5,664.00	
	Total		\$70,800.00

If the above Levels are filled in, the rest of § 9 need not be completed or reproduced.

9. NONSTANDARD PLAN PROVISIONS

Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the plan is void. (NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)

- A. This Chapter 13 Plan ("this Plan") provides a distribution chart in Section 8 above that provides estimated distributions to classes of creditors and the estimated Trustee commission rate utilized in the calculations, in addition to all information indicated by the Model Plan.

B. The second lien position mortgage of **Home Loan Investment Bank**, its successors, predecessors and assigns, hereinafter referred to as “Lender”, is being avoided via this Plan.

1. Confirmation of this Plan shall constitute a finding that for purposes of this bankruptcy case and all matters relevant thereto the value of the real property known as **892 Saw Creek Estates, Bushkill, PA 18324 aka Lot 18, Section 24, Saw Creek Estates, Lehman Township, PA**, and the Deed for this property having been recorded with the Recorder of Deeds in and for Pike County, Pennsylvania at **Pike County Deed Book Volume 1153, Page 019**, hereinafter referred to as the “Property”, is **\$124,183.00**. Documentation verifying this value is or will be filed of record with this Court.

2. Upon confirmation of this Plan the entire balance owed to Lender shall be deemed a general unsecured claim without further Order of this Court, provided that:

(A) Lender’s claim, upon the filing of a valid and timely Proof of Claim, shall be allowed as a non-priority general unsecured claim and may share in any distribution to general unsecured creditors.

(B) The avoidance of Lender’s junior lien is contingent upon the Debtor’s completion of the Chapter 13 Plan and receipt of a Chapter 13 Discharge.

(C) Upon receipt of the Debtors’ Chapter 13 discharge and completion of Debtors’ Chapter 13 Plan, Lender shall within a reasonable time arrange to have the second lien position mortgage marked “satisfied” with the Monroe County Recorder of Deeds’

(D) Lender shall retain its lien for the full amount due under the subject loan should the property be sold or should a refinance take place prior to the completion of the Chapter 13 Plan and entry of a Discharge.

(E) Lender shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtor’s Chapter 13 case or the conversion of the case to another Chapter under the United States Bankruptcy Code.

(F) In the event that any entity, including the holder of the first lien on the Property, forecloses on its security interest and extinguishes Lender’s lien prior to the Debtor’s completion of the Chapter 13 Plan and receipt of a Chapter 13 Discharge, Lender’s lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

(G) In the event that the property is destroyed or damaged, pursuant to the terms of the mortgage, Lender is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage.

(H) Each party shall bear their own attorneys’ fees and costs incurred in this matter.

3. The Confirmation Order and Discharge Order may be filed with the Recorder of Deeds in and for Pike County, Pennsylvania, which shall satisfy and avoid the mortgage held by Lender against the Property, as recorded at **Pike County Record Book Volume 1975, Page 1144**.

C. The third lien position mortgage of **PA Housing Finance Agency**, its successors, predecessors and assigns, hereinafter referred to as “Lender”, is being avoided via this Plan.

1. Confirmation of this Plan shall constitute a finding that for purposes of this bankruptcy case and all matters relevant thereto the value of the real property known as **892 Saw Creek Estates, Bushkill, PA 18324 aka Lot 18, Section 24, Saw Creek Estates, Lehman Township, PA**, and the Deed for this property having been recorded with the Recorder of Deeds in and for Pike County, Pennsylvania at **Pike County Deed Book Volume 1153, Page 019**, hereinafter referred to as the “Property”, is **\$124,183.00**. Documentation verifying this value is or will be filed of record with this Court.

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(A) Lender's claim, upon the filing of a valid and timely Proof of Claim, shall be allowed as a non-priority general unsecured claim and may share in any distribution to general unsecured creditors.

(B) The avoidance of Lender's junior lien is contingent upon the Debtor's completion of the Chapter 13 Plan and receipt of a Chapter 13 Discharge.

(C) Upon receipt of the Debtors' Chapter 13 discharge and completion of Debtors' Chapter 13 Plan, Lender shall within a reasonable time arrange to have the second lien position mortgage marked "satisfied" with the Monroe County Recorder of Deeds'

(D) Lender shall retain its lien for the full amount due under the subject loan should the property be sold or should a refinance take place prior to the completion of the Chapter 13 Plan and entry of a Discharge.

(E) Lender shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the case to another Chapter under the United States Bankruptcy Code.

(F) In the event that any entity, including the holder of the first lien on the Property, forecloses on its security interest and extinguishes Lender's lien prior to the Debtor's completion of the Chapter 13 Plan and receipt of a Chapter 13 Discharge, Lender's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.

(G) In the event that the property is destroyed or damaged, pursuant to the terms of the mortgage, Lender is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage.

(H) Each party shall bear their own attorneys' fees and costs incurred in this matter.

3. The Confirmation Order and Discharge Order may be filed with the Recorder of Deeds in and for Pike County, Pennsylvania, which shall satisfy and avoid the mortgage held by Lender against the Property, as recorded at **Pike County Record Book Volume 2195, Page 1121**.

Dated: July 25, 2018

/s/ J. Zac Christman

Vincent Rubinio, Esquire, Attorney for Debtor

/s/ Bain D. Robinson

BAIN D. ROBINSON, Debtor

None

Joint Debtor

By filing this document, the debtor, if not represented by an attorney, or the Attorney for Debtor also certifies that this plan contains no nonstandard provisions other than those set out in § 9.